

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

225

CRM-A-1516-MA-2017 (O&M)

Date of Decision:- 03.04.2018

State of Haryana

... Appellant

Versus

Kalla and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI
HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Mr. S.S.Pannu, Deputy Advocate General, Haryana,
for the appellant.

M.M.S. BEDI, J.

1. This is an application under Section 378(3) of the Code of Criminal Procedure, 1973 for grant of leave to appeal against the judgment of acquittal of the respondents with an application for condonation of delay of 51 days in filing the appeal.
2. Disbelieving the prosecutrix, the trial Court has acquitted the respondents in a case of gang rape on the basis of inconsistency of statement of prosecutrix on different aspects. The husband of the prosecutrix also turned hostile.
3. After going through the judgment of the lower Court, we do not find any ground to interfere in the order of the acquittal and on appreciation of the evidence, the trial Court has rightly granted the benefit of doubt to the respondents on the basis of the unbelievable story cooked by the

prosecutrix. Even on re-appreciation of evidence, the story of the prosecution has been found to be not worthy of credence.

4. After hearing counsel for the appellant and going through the record, no ground is made out for interference in the judgment of trial Court. Resultantly, while the delay of 51 days in filing the appeal is condoned, leave to appeal against the judgment of acquittal is declined. The application is dismissed.

(M.M.S. BEDI)

JUDGE

(GURVINDER SINGH GILL)

JUDGE

April 03, 2018

mohan

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No